

Senate Study Bill 3060 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON LABOR AND BUSINESS
RELATIONS BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

- 1 An Act concerning benefits under the municipal fire and police
- 2 retirement system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 411.1, subsection 14, Code 2020, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 14. "*Member in good standing*" means any member in service
5 who has not been terminated by the employing city of the
6 member pursuant to section 400.18 or 400.19. Termination
7 procedures initiated by the chief of police or chief of the
8 fire department pursuant to section 400.19 shall not become
9 final or adversely impact a member's status as a member in
10 good standing until all appeals provided by an applicable
11 collective bargaining agreement or by law have been exhausted.
12 Disciplinary action other than discharge shall not adversely
13 affect a member's status as a member in good standing.

14 Sec. 2. Section 411.6, subsection 5, paragraphs a and b,
15 Code 2020, are amended to read as follows:

16 a. Upon application to the system, of a member in good
17 standing, of a beneficiary, or of the chief of the police or
18 fire departments, respectively, any member in good standing
19 or beneficiary who has become totally and permanently
20 incapacitated for duty as the natural and proximate result of
21 an injury or disease incurred in or aggravated by the actual
22 performance of duty ~~at some definite time and place~~ or arising
23 out of and in the course of the employment, or while acting
24 pursuant to order, outside of the city by which the member
25 is regularly employed, shall be retired by the system if the
26 medical board certifies that the member or beneficiary is
27 mentally or physically incapacitated for further performance
28 of duty, that the incapacity is likely to be permanent, and
29 that the member or beneficiary should be retired. However,
30 if a person's membership in the system first commenced on or
31 after July 1, 1992, the member or beneficiary shall not be
32 eligible for benefits with respect to a disability which would
33 not exist, but for a medical condition that was known to exist
34 on the date that membership commenced. A medical condition
35 shall be deemed to have been known to exist on the date that

1 membership commenced if the medical condition is reflected in
2 any record or document completed or obtained in accordance
3 with the system's medical protocols pursuant to section
4 400.8, or in any other record or document obtained pursuant
5 to an application for disability benefits from the system, if
6 such record or document existed prior to the date membership
7 commenced. A member who is denied a benefit under this
8 subsection, by reason of a finding by the medical board that
9 the member is not mentally or physically incapacitated for the
10 further performance of duty, shall be entitled to be restored
11 to active service in the same position held immediately prior
12 to the application for disability benefits.

13 b. If a member in service or the chief of the police or
14 fire departments becomes incapacitated for duty as a natural
15 or proximate result of an injury or disease incurred in or
16 aggravated by the actual performance of duty ~~at some definite~~
17 ~~time or place~~ arising out of or in course of the employment, or
18 while acting, pursuant to order, outside the city by which the
19 member is regularly employed, the member, upon being found to
20 be temporarily incapacitated following a medical examination as
21 directed by the city, is entitled to receive the member's full
22 pay and allowances from the city's general fund or trust and
23 agency fund until reexamined as directed by the city and found
24 to be fully recovered or until the city determines that the
25 member is likely to be permanently disabled. If the temporary
26 incapacity of a member continues more than sixty days, or
27 if the city expects the incapacity to continue more than
28 sixty days, the city shall notify the system of the temporary
29 incapacity. Upon notification by a city, the system may refer
30 the matter to the medical board for review and consultation
31 with the member's treating physician during the temporary
32 incapacity. Except as provided by this paragraph, the board
33 of trustees of the statewide system has no jurisdiction over
34 these matters until the city determines that the disability is
35 likely to be permanent.

1 Sec. 3. Section 411.6, subsection 5, paragraph c, Code 2020,
2 is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (2A) Disease under this subsection shall
4 also mean any incapacitating mental disorder arising out of
5 and in the course of the employment, or while acting, pursuant
6 to order, outside the city by which the member is regularly
7 employed. A disease shall qualify as an incapacitating mental
8 disorder irrespective of the absence of similar effects on
9 other members.

10 Sec. 4. Section 411.6, subsection 6, paragraph c, Code 2020,
11 is amended to read as follows:

12 c. Upon retirement for accidental disability on or after
13 July 1, 1998, or a determination that a beneficiary is
14 entitled to a retirement for accidental disability, a member or
15 beneficiary shall receive an accidental disability retirement
16 allowance which shall consist of a pension in an amount equal
17 to the greater of sixty percent of the member's average final
18 compensation or the retirement allowance that the member
19 would receive under subsection 2 if the member had attained
20 fifty-five years of age.

21 Sec. 5. Section 411.6, subsection 7, unnumbered paragraph
22 1, Code 2020, is amended to read as follows:

23 The system may, and upon ~~the member's~~ application by the
24 member or beneficiary shall, require any disability beneficiary
25 who has not yet attained age fifty-five to undergo a medical
26 examination at a place designated by the medical board. The
27 examination shall be made by the medical board or, in special
28 cases, by an additional physician or physicians designated
29 by such board. If any disability beneficiary who has not
30 attained the age of fifty-five refuses to submit to the medical
31 examination, the member's allowance may be discontinued until
32 withdrawal of such refusal, and if the refusal continues for
33 one year all rights in and to the member's pension may be
34 revoked by the system. For a disability beneficiary who has
35 not attained the age of fifty-five and whose entitlement to

1 a disability retirement commenced on or after July 1, 2000,
2 the medical board may, as part of the examination required
3 by [this subsection](#), suggest appropriate medical treatment or
4 rehabilitation if, in the opinion of the medical board, the
5 recommended treatment or rehabilitation would likely restore
6 the disability beneficiary to duty.

7 Sec. 6. Section 411.6, subsection 9, paragraph a,
8 subparagraph (1), Code 2020, is amended to read as follows:

9 (1) If, upon the receipt of evidence and proof from the
10 chief of the police or fire department that the death of a
11 member in service was the natural and proximate result of an
12 injury or disease incurred in or aggravated by the actual
13 performance of duty ~~at some definite time and place~~ or arising
14 out of and in the course of the employment, or while acting
15 pursuant to order, outside of the city by which the member is
16 regularly employed, the system decides that death was so caused
17 in the performance of duty, there shall be paid, in lieu of the
18 ordinary death benefit provided in [subsection 8](#), an accidental
19 death benefit as set forth in [this subsection](#).

20 Sec. 7. Section 411.15, Code 2020, is amended to read as
21 follows:

22 **411.15 Hospitalization and medical attention.**

23 Cities shall provide hospital, nursing, and medical
24 attention for the members of the police and fire departments
25 of the cities, when injured while in the performance of their
26 duties as members of such department or for injuries and
27 diseases arising out of and in the course of the employment,
28 and shall continue to provide hospital, nursing, and medical
29 attention for all injuries or diseases incurred while in the
30 performance of their duties or arising out of and in the course
31 of the employment for members or beneficiaries receiving
32 a retirement allowance under [section 411.6, subsection 6](#).

33 Cities may fund the cost of the hospital, nursing, and medical
34 attention required by [this section](#) through the purchase of
35 insurance, by self-insuring the obligation, or through payment

1 of moneys into a local government risk pool established for the
2 purpose of covering the costs associated with the requirements
3 of **this section**. However, the cost of the hospital, nursing,
4 and medical attention required by **this section** shall not be
5 funded through an employee-paid health insurance policy. The
6 cost of the hospital, nursing, and medical attention required
7 by **this section** shall be paid from moneys held in a trust and
8 agency fund established pursuant to **section 384.6**, or out of
9 the appropriation for the department to which the injured
10 person belongs or belonged; provided that any amounts received
11 by the injured person from any other source for such specific
12 purposes, shall be deducted from the amount paid by the city
13 under the provisions of **this section**.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill concerns benefits under the municipal fire and
18 police retirement system established under Code chapter 411.

19 The bill amends the definition of "member in good standing"
20 to mean any member in service who has not been terminated by
21 the employing city of the member.

22 Code section 411.6(5), concerning accidental disability
23 benefits, is amended to allow a beneficiary to make application
24 to the retirement system for an accidental disability
25 retirement benefit. The subsection is further amended to
26 provide that a person is entitled to pay and allowances
27 if determined to be temporarily incapacitated prior to an
28 accidental disability retirement determination and for an
29 accidental disability retirement if the person has become
30 totally and permanently incapacitated as a result of injury and
31 disease arising out of and in the course of the employment and
32 by the actual performance of duty without regard to whether
33 that actual performance of duty was at some definite time and
34 place. The subsection is also amended to provide that disease
35 for purposes of an accidental disability benefit also means any

1 incapacitating mental disorder arising out of and in the course
2 of the employment, or while acting, pursuant to order, outside
3 the city by which the member is regularly employed.

4 Code section 411.6(6), providing for a retirement allowance
5 upon retirement for accidental disability, is amended to
6 provide that a beneficiary who is determined to be entitled to
7 a retirement for accidental disability shall receive a pension
8 as determined for members receiving an accidental disability
9 retirement.

10 Code section 411.6(7), concerning reexamination of
11 beneficiaries retired on account of disability, is amended to
12 allow a beneficiary who has not reached age 55 to request a
13 medical examination to determine, in part, if the beneficiary
14 can be restored to duty.

15 Code section 411.6(9), concerning accidental death benefits,
16 is amended to provide that an accidental death benefit shall
17 also be paid if the death was as a result of injury and disease
18 arising out of and in the course of the employment or by the
19 actual performance of duty without regard to whether that
20 actual performance of duty was at some definite time and place.

21 Code section 411.15, concerning cities' requirement to
22 provide hospitalization and medical attention for injuries
23 or diseases while on duty, is amended to provide that such
24 attention shall also be provided for injuries arising out of
25 and in the course of employment. The Code section is further
26 amended to provide that cities shall continue to provide
27 hospitalization and medical attention for injuries or diseases
28 while on duty for members or beneficiaries receiving any
29 retirement allowance under Code section 411.6 and not just an
30 accidental disability retirement allowance under Code section
31 411.6, subsection 6.